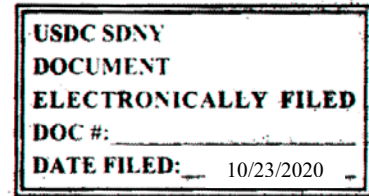


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
SHARIF KING,

Plaintiff,

20-CV-4527 (AJN)(SN)

-against-

ORDER OF SERVICE

CORRECTION OFFICER WHITE, et al.,

Defendants.
-----X

SARAH NETBURN, United States Magistrate Judge:

Plaintiff, currently incarcerated at Great Meadow Correctional Facility, is proceeding *pro se* and *in forma pauperis*. He filed a complaint under 42 U.S.C. § 1983, regarding events beginning on November 12, 2019, when he was transported from Downstate Correctional Facility to the Manhattan Detention Complex. On July 17, 2020, the Hon. Alison J. Nathan issued an order pursuant to Valentin v. Dinkins, 121 F.3d 72, 76 (2d Cir. 1997), directing the New York City Law Department (the “Law Department”) to identify four John Doe defendants. ECF No. 12. Judge Nathan referred the matter to me for general pretrial supervision.

John Doe #1 and John Doe #3 were previously identified. See ECF No. 18. On October 19, 2020, the Law Department filed a letter with the Court identifying John Doe #2 as Captain Robert Fraser, Shield No. 1397, assigned to the New York City Department of Correction (DOC) Emergency Services Unit (ESU). ECF No. 30. The Law Department also informed the Court that it is conducting additional investigation in order to identify John Doe #4.

DISCUSSION

A. Rule 21 of the Federal Rules of Civil Procedure

The Court directs the Clerk of Court, under Rule 21 of the Federal Rules of Civil Procedure, to substitute Captain Fraser for John Doe #2, and to amend the caption to reflect the same.

B. Waiver of Service

The Clerk of Court is directed to notify the New York City Department of Correction and the New York City Law Department of this order. The Court requests that DOC ESU Captain Fraser, Shield No. 1397, waive service of summons.

C. Rule 12 of the Federal Rules of Civil Procedure

DOC ESU Captain Fraser is ORDERED to file an answer, if any, by December 7, 2020.

D. Local Rule 33.2

Local Civil Rule 33.2, which requires defendants in certain types of prisoner's rights cases to respond to specific, court-ordered discovery requests, applies to this action. Those discovery requests are available on the Court's website under "Forms" and are titled "Plaintiff's Local Civil Rule 33.2 Interrogatories and Requests for Production of Documents." Within 120 days of the date of this order, any new defendants must serve responses to these standard discovery requests. In their responses, defendants must quote each request verbatim.¹

E. Discovery

All discovery shall be completed by April 23, 2021.

¹ If Plaintiff would like copies of these discovery requests before receiving the responses and does not have access to the website, Plaintiff may request them from the Pro Se Intake Unit.

F. Status Conference

A telephone conference is scheduled for Wednesday, December 16, 2020, at 2:00 p.m., to discuss the status of this litigation. At that time, each party shall call (877) 402-9757 and enter access code 7938632 #.

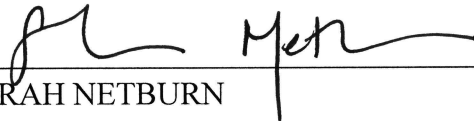
CONCLUSION

The Clerk of Court is respectfully directed to mail a copy of this order to Plaintiff and note service on the docket. The Clerk of Court is further directed, under Rule 21 of the Federal Rules of Civil Procedure, to substitute in the caption Captain Fraser, Shield No. 1397, as a defendant in place of John Doe #2. The Clerk of Court shall also notify the New York City Department of Correction and the New York City Law Department of this order. The Court requests that DOC ESU Captain Fraser, Shield No. 1327, waive service of summons. The Court ORDERS DOC ESU Captain Fraser, Shield No. 1327, to file an answer, if any, by December 7, 2020. All discovery shall be completed by April 23, 2021. A telephone conference is scheduled for Wednesday, December 16, 2020, at 2:00 p.m.

IT IS HEREBY ORDERED that the Warden or other official in charge of the Great Meadow Correctional Facility produce Sharif King, DIN No. 18-A-4833, on Wednesday, December 16, 2020, no later than 1:55 p.m., to a suitable location within the Great Meadow Correctional Facility that is equipped with a telephone, for the purpose of participating by telephone in a conference with the Court and defense counsel. If this time and date presents an inconvenience, the Warden or the Warden's designee should promptly inform Chambers by emailing Courtroom Deputy Rachel Slusher Rachel_Slusher@nysd.uscourts.gov.

Defense counsel is directed to send this Order to the Warden immediately and the Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: October 23, 2020
 New York, New York